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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION, This Document Relates To: ALL ACTIONS	Case No. 18-cv-06753-PJH **UNOPPOSED MOTION TO AMEND NOVEMBER 12, 2024 ORDER GRANTING JOINT MOTION FOR ENTRY OF JUDGMENT AND STAY AS MODIFIED BY THE COURT (ECF NO. 442)**

On November 12, 2024, the Court issued its Order Granting Joint Motion for Entry of Judgment and Stay ("Joint Motion") as Modified by the Court ("Order"). ECF No. 442. The Order granted the Joint Motion "for good cause shown" and found "that final judgment should be entered pursuant to Rule 54(b) with regard to Plaintiff's class claims that were resolved in Defendants' favor." *Id.*; *see* ECF No. 419. On November 15, 2024, the Clerk of the Court issued its notice that judgment had been entered pursuant thereto.

In their Joint Motion the parties agreed "there is no just reason to delay entry of final judgment on the class claims pursuant to Rule 54(b)," ECF No. 437 at 4, and the Order largely adopted the language of the Parties' proposed order. ECF No. 437-1. However, the Order as jointly proposed by the parties did not expressly set forth a finding that there is no just reason for further delay. *See* Fed. R. Civ. Pro. 54(b) ("[T]he court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties ***only if the court expressly determines that there is no just reason for delay***." (emphasis added)). Out of an abundance of caution, Plaintiff now requests that the Court make that express finding in an amended judgment to avoid any uncertainty about the finality of the judgment. The Ninth Circuit has held:

> Here the district stated that it was entering "final judgment with respect to . . . the 419 applications . . . filed . . . in 2008." But it never made an "express determination" that there was no need for further delay. One might argue that the district court's order of "final judgment" necessarily means that the district court thought there was no reason to delay appeal. Yet, "[i]nterpreting a judgment as a Rule 54(b) determination without the required findings would effectively read out those requirements from Rule 54(b)." . . . Because the district court failed to find that there was no need for further delay, its September 4, 2014 order was not properly appealable . . . .

United States v. Gila Valley Irrigation Dist., 859 F.3d 789, 797–98 (9th Cir. 2017).

Accordingly, to avoid any doubt as to the Order's appealability, Plaintiff respectfully requests that the Court amend the Order to include an "express[ ] determin[ation] that there is no just reason for delay." Fed. R. Civ. P. 54(b). Plaintiff has met and conferred with Defendants, who do not oppose this motion.

Dated: November 22, 2024

By: */s/ Steven G. Sklaver*

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